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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,192	12/20/2001	Gyanesh P. Khare		9714
	7590 06/27/200 HITCHCOCK, FISH &	EXAMINER		
P.O. Box 2443			LANGEL, WAYNE A	
Bartiesville, Or	Bartlesville, OK 74005		PAPER NUMBER	
			1754	
			MAIL DATE	DELIVERY MODE
			06/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)			
Office Action Summary		10/027,192	KHARE ET AL.			
		Examiner	Art Unit			
		Wayne Langel	1754			
Period fo	The MAILING DATE of this communication app or Reply	ears on the cover sheet with the o	correspondence address			
	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS,					
WHIC - Exter after - If NC - Failu Any	CHEVER IS LONGER, FROM THE MAILING DA nsions of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. It is period for reply is specified above, the maximum statutory period were to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION  18(a). In no event, however, may a reply be tiruly apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	N. nely filed the mailing date of this communication. ED (35 U.S.C. § 133).			
Status						
1)⊠	Responsive to communication(s) filed on <u>20 June 2002</u> .					
2a) <u></u> ☐	This action is <b>FINAL</b> . 2b)⊠ This action is non-final.					
3)	3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Dispositi	on of Claims					
4)⊠	4)⊠ Claim(s) <u>1-55</u> is/are pending in the application.					
	4a) Of the above claim(s) 18-31 and 34-55 is/are withdrawn from consideration.					
5)□	5) Claim(s) is/are allowed.					
6)⊠	6)⊠ Claim(s) <u>1-17,32 and 33</u> is/are rejected.					
· —	7) Claim(s) is/are objected to.					
8)[	Claim(s) are subject to restriction and/or	election requirement.				
Applicati	on Papers					
9)[	The specification is objected to by the Examiner	•.				
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11)	The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.			
Priority u	ınder 35 U.S.C. § 119					
12)	Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119(a)	)-(d) or (f).			
a) ☐ All b) ☐ Some * c) ☐ None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
			•			
Attachment	t(s)					
	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary Paper No(s)/Mail Da				
3) 🔲 Inform	e of Draftsperson's Patent Drawing Review (P10-948) nation Disclosure Statement(s) (PTO/SB/08) r No(s)/Mail Date	5) Notice of Informal P				

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-17, 32 and 33 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Khare et al '117, for the reasons of record. Applicants' argument, that reducing a composition with a suitable reducing agent under suitable conditions that takes place after the composition has been calcined is a patentable improvement over Khare et al '117, is not convincing, since applicants' claims do not require a step of reducing the composition with a reducing agent. No distinction is seen between elemental metal which has been formed by reducing a metal oxide, and elemental metal which has been formed by a method other than the reduction of metal oxide. Applicants' argument, that it would not have been obvious to one of ordinary skill in the art to reduce the composition of Khare et al '117 because then the composition would no longer contain a metal oxide, is not convincing, since applicants' claims do not require that all of the promoted particulate be reduced to the zero-valence state. Applicants' argument, that the instant application claims a sorbent composition which has undergone a reduction step, is not convincing,

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since there is no evidence on record showing that a sorbent having been reduced under reducing conditions would be any different from the sorbent of Khare et al '117.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Langel whose telephone number is 571-272-1353. The examiner can normally be reached on Monday through Friday, 8 am - 3:30 pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Wayne Langel Primary Examiner

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